



The Law Office of
Elizabeth E. Macedonio

52 Duane Street – 7th Floor – New York, New York 10007
Office: 212-235-5494 • Cell 917-533-5965 • Email: emacedonio@Yahoo.com

November 29, 2021

Via ECF

Honorable John P. Cronan
United States District Judge
Southern District of New York
United States Courthouse
500 Pearl Street
New York, New York 10007

Re: United States v. Ricardo Cruciani
21 Cr. 636 (JPC)

Dear Judge Cronan:

I write on behalf of Mr. Cruciani's counsel, Frederick L. Sosinsky, Mark L. Furman and myself, to respectfully request that we be relieved as counsel on this matter and that counsel be appointed to represent the defendant pursuant to the provisions of the Criminal Justice Act ("CJA"). Following our initial appearance before Your Honor for Mr. Cruciani's arraignment on the Indictment on October 21, 2021, at which point we successfully secured his release on bond, we have learned that he is unable to afford counsel to represent him on this most serious matter.

As Your Honor may recall, Messrs. Sosinsky and Furman and I currently represent Mr. Cruciani in connection with an indictment which has been pending against him in New York State Supreme Court, New York County, for more than three and a half years now. That case, as we advised the Court on October 21, 2021, is being readied for a four-week trial, which we expect will take place sometime in March or April 2022.¹

When we learned of Mr. Cruciani's unexpected arrest by federal agents in this matter, we believed it only appropriate and professional, given our long-standing representation of our client, to handle the presentment and arraignment of Mr. Cruciani and, most importantly, to work to secure his release from custody. We did so, however, without any compensation whatsoever and without an understanding of Mr. Cruciani's present ability to retain counsel on what is an entirely new prosecution involving different charges, distinct theories and, most importantly we have been advised, different complainants altogether. Since the time of Mr. Cruciani's release, we have spoken at length with Mr. Cruciani and discovered that Mr. Cruciani does not possess the means with which to retain counsel to defend him on these federal charges. He has depleted his savings and investment accounts to pay for attorneys and associated costs in the other criminal and civil matters now pending against him, his and his wife's properties have now been

¹ Mr. Cruciani is also charged in a separate indictment pending against him since the spring of 2018 in Mercer County, New Jersey. He has retained other counsel on that New Jersey criminal matter. In addition, Mr. Cruciani has been sued civilly in three states, New York, New Jersey and Pennsylvania, and has separate counsel on those matters as well.

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fully pledged to secure the state and federal appearance bonds. Accordingly, we respectfully seek to be relieved as his counsel and, upon a finding that he qualifies for such, seek appointment of counsel for Mr. Cruciani pursuant to the CJA.

In furtherance of this application, Mr. Cruciani has completed a CJA 23 financial affidavit which will be sent to the Court under separate cover.

We thank Your Honor for his consideration.

Respectfully submitted,

Elizabeth E. Macedonio

Elizabeth E. Macedonio

Frederick L. Sosinsky

Mark L. Furman

Attorneys for the Defendant

Ricardo Cruciani

The parties shall appear in person for a conference on December 2, 2021 at 2:30 p.m. in Courtroom 12D of the Daniel Patrick Moynihan United States Courthouse, 500 Pearl Street, New York, New York, to discuss defense counsel's request to be relieved as counsel in this matter and that new counsel be appointed to represent the Defendant. Defense counsel should be prepared to discuss whether the Defendant is financially eligible for appointment of counsel pursuant to the Criminal Justice Act. In advance of the conference, and in the event that the Court grants the request for appointment of counsel, the parties should advise the Court whether they are aware of any conflicts with the Federal Defenders of New York. If appropriate, the parties may make an *ex parte* submission advising the Court of any conflict.

SO ORDERED.

Date: November 29, 2021
New York, New York



JOHN P. CRONAN
United States District Judge